

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5023 of 2017**

- Amarjeet Satnami S/o Ambika Satnami Aged About 42 Years
R/o Village- Dongariya Bhatha, Police Station & Tahsil-
Sahaspur-Lohara, District- Kabirdham, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station- Sahaspur- Lohara, District- Kabirdham, Chhattisgarh

---- Respondent

 For Applicant : Shri DC Verma, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

01.9.2017

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.20/2017 registered in Police Station Sahaspur Lohara, Distt. Kabirdham (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 04.7.2017, charge sheet is not yet filed, the applicant has been remanded by Chief Judicial Magistrate, Kawardha. As per the allegation, 36 bulk liters of country made liquor has been seized from the possession of the applicant. He is the first offender, he will not commit any offence in future, as the trial may take sometime for its conclusion, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of the quantity of liquor so seized from the applicant and also the following matters registered against the applicant wherein the applicant either stated his surname as Yadav or Satnami, but he is the same person in all the matters given below.

Sl. No.	Crime No./ Complaint No.	Offence U/S.
01.	23/2013	151 Cr.P.C.
02.	382/2013	34(1)(a) of the CG Excise Act, 1915
03.	243/2013	36C of the CG Excise Act, 1915
04.	480/2013	107, 116(3) CrPC
05.	159/2014	36C of the CG Excise Act, 1915
06.	14/2014	110 CrPC
07.	247/2015	452, 354 IPC
08.	148/2017	107, 116(3) CrPC
09.	145/2017	36C of the CG Excise Act, 1915

Looking to his criminal antecedent, his application for bail may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for one month and twenty eight days, charge sheet is not yet filed, the trial may take some time for its conclusion, though the aforementioned matters registered against the applicant, out of which five matters were in relation with preventive proceedings and those proceedings were automatically stopped after the expiry of six months, four matters were registered for the similar offence and were bailable one, one

matter was registered under the provisions of IPC that too was about two years ago, on due consideration of the entire material, I am inclined to grant one last opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- with two separate solvent sureties of Rs. 50,000/- to the satisfaction of Chief Judicial Magistrate, Kawardha for his appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Sahaspur-Lohara, Distt.

Kabirdham **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Sahaspur-Lohara, Distt. Kabirdham as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE